

Message Text

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ACTION NEA-10

INFO OCT-01 EA-10 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02
SS-15 USIA-06 /151 W
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R 311107Z MAR 78
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 588
INFO AMEMBASSY DACCA
AMEMBASSY ISLAMABAD
AMEMBASSY RANGOON
AMCONSUL CALCUTTA
AMCONSUL MADRAS
AMCONSUL BOMBAY

C O N F I D E N T I A L NEW DELHI 5002

E.O. 11652: GDS
TAGS: PBOR, LOS, BD, IN
SUBJECT: INDO-BANGLADESH MARITIME BOUNDARY TALKS

1. BOTH MEA AND BANGLADESH HIGH COMMISSION OFFICIALS
CHARACTERIZED THE MARITIME BOUNDARY TALKS HELD IN
NEW DELHI MARCH 21-23 AS AN OPPORTUNITY TO REVIEW THE
RESPECTIVE POSITIONS AFTER A THREE-YEAR LAPSE IN
NEGOTIATIONS. MEA DEPUTY SECRETARY FOR BANGLADESH,
T. CHERPOOT, TOLD EMBOFF MARCH 31 THAT THE RESPECTIVE
POSITIONS HAD NOT CHANGED AND NO SPECIFIC PROGRESS
HAD BEEN MADE TOWARD COMPROMISE. HOWEVER, HE WAS
NOT PESSIMISTIC ABOUT EVENTUAL ACCOMMODATION BECAUSE
OF THE IMPROVEMENT IN THE POLITICAL CLIMATE BETWEEN
THE TWO COUNTRIES. EARLIER, BANGLADESH DEPUTY
HIGH COMMISSIONER REZAUL KARIM PROVIDED EMBOFF
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WITH FOLLOWING ACCOUNT OF THE TALKS.

2. EQUIDISTANCE AND EQUITY: ACCORDING TO KARIM,
IT WAS AGREED THAT ANY SETTLEMENT OF THE DISPUTE
WOULD BE A BILATERAL ONE AND EQUITABLE, TAKING INTO
ACCOUNT THE CONCERNS OF BOTH SIDES. THE NEGOTIATIONS
ARE BEING HELD ON THE BASIS OF A LAND-DEMARCATED

BASELINE BUT, KARIM SAID, ANY AGREEMENT REACHED WILL NOT PREJUDICE BDG'S EFFORTS IN THE LOS CONFERENCE TO OBTAIN APPROVAL OF ITS NOVEL WATER-DEPTH BASELINE PROPOSAL. FOR THE PURPOSES OF DISCUSSION ONLY AND WITHOUT PREJUDICE TO ITS POSITION THAT AN AGREEMENT MUST BE BASED ON EQUITY, THE BDG PRESENTED A MAP OF THE MARITIME BOUNDARY DRAWN ON THE PRINCIPLE OF EQUIDISTANCE. THE BDG MAP PLACED A BOUNDARY LINE TO THE WEST OF THE LINE CLAIMED BY INDIA ON THE BASIS OF EQUIDISTANCE. THE INDIANS ATTRIBUTED THIS DIFFERENCE, WHICH COMPRISES ABOUT A THOUSAND SQUARE MILES, TO FACT THAT THE BDG MAP IGNORED A LOW-WATER ELEVATION OR ISLAND JUST OFF THE LAND BOUNDARY. THE BANGLADESHIS RESPONDED THAT THEIR MAP HAD BEEN DRAWN BY OUTSIDE EXPERTS WHO HAD MADE AN INDEPENDENT JUDGEMENT IRRESPECTIVE OF THE CLAIMS OF EITHER SIDE. (KARIM DESCRIBED THE ISLAND IN QUESTION AS SMALL AND UNINHABITED AND SAID IT HAD NOT BEEN AT ISSUE UNTIL 1971 WHEN INDIA PLACED A GUARD OVER IT AND PREVENTED BANGLADESHIS FROM APPROACHING IT.) THE BANGLADESH SIDE FURTHER REMINDED THE INDIANS THAT IN THE LAST ROUND OF TALKS IN 1975 THE GOI HAD AGREED TO GIVE UP THE ISLAND CLAIM. THE INDIANS DID NOT DISPUTE THIS RECOLLECTION BUT SAID THEY HAD NO INDICATION OF SUCH AN AGREEMENT BECAUSE THEIR RECORDS OF THE 1975 TALKS WERE INCOMPLETE. THE INDIANS SAID THEY WERE WILLING TO GIVE CONFIDENTIAL

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CONSIDERATION TO TMA BOUNDARY LINE ON THE BDG MAP AS ONE OF "EQUITY" BUT THEY COULD NOT CONSIDER IT AS A BOUNDARY DRAWN ON THE PRINCIPLE OF EQUIDISTANCE. KARIM SAID, HOWEVER, THAT THE BANGLADESHI IDEA OF EQUITY WOULD BE A BOUNDARY LINE EVEN FURTHER TO THE WEST THAN THE "EQUIDISTANT" ONE THEY HAD PRESENTED FOR DISCUSSION.

3. SWATCH OF NO GROUND: KARIM IMPLIED THAT THE BDG HAD NOT PUSHED IN THIS SESSION ITS ARGUMENT THAT BECAUSE OF THE "SWATCH OF NO GROUND" THE BOUNDARY LINE SHOULD RUN CONSIDERABLY TO THE WEST, ALMOST PARALLELING THE ORISSA COAST. AS KARIM EXPLAINED IT, THE ARGUMENT IS THAT THE SWATCH OF NO GROUND (A DEEP SUBSOIL CHANNEL IN THE BAY WHICH BEGINS SOME MILES OFFSHORE) BREAKS UP THE CONTINENTAL SHELF AND THE BOUNDARY DEMARCATION THEREFORE OUGHT TO START AT THIS POINT. KARIM SAID HE UNDERSTOOD THERE WERE SOME HALF DOZEN CASES WHERE MARITIME BOUNDARIES HAD BEEN SETTLED ON A SIMILAR BASIS; HE MENTIONED AN INDONESIAN CASE IN PARTICULAR. KARIM ALSO NOTED THAT THE BDG AT ONE STAGE HAD CONSIDERED THAT AN EQUITABLE BOUNDARY WOULD BE DRAWN ALMOST AS AN EXTENSION OF THE LAND BOUNDARY (AGAIN ONE WHICH WOULD

BE CONSIDERABLY TO THE WEST OF THE INDIAN PROPOSAL).

4. OIL EXPLORATION: WHEN ASKED IF THE QUESTION OF OFF-SHORE OIL EXPLORATION IN THE DISPUTED AREA MIGHT AGAIN BE A FACTOR IN THE NEGOTIATIONS AS IT HAD IN 1975, KARIM PLEADED IGNORANCE OF CURRENT EXPLORATION PLANS. HE DID SAY, HOWEVER, THAT IN THE 1975 TALKS IT HAD BEEN AGREED THAT BANGLADESH'S INTERESTS IN THE OIL CONTRACTS IT HAD THEN LET IN THE DISPUTED AREA WOULD BE "SECURED".
GOHEEN

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